

Ms. SCHAKOWSKY. While many hours have been spent by this body debating the wars in Iraq and Afghanistan, far too little time has been devoted to the United States' growing dependence on private military contractors: the weapon-carrying, for-profit security companies—mercenaries—who have become integral and counter-productive actors in our war efforts.

I believe that the increased reliance on hired guns to provide security in conflict zones undermines our policy objectives, and I am not alone. In 2007 then-Defense Secretary Robert Gates stated that the mission of many security contractors was “at cross purposes to our larger mission in Iraq.”

We should be concerned. Private contractors don't wear the badge of the United States. They answer to a corporation, not to a uniformed commander. Our government doesn't even know how many contract personnel we've hired. Because legal jurisdiction remains murky, we may lack the ability to prosecute contractors for alleged violations committed overseas.

We need to end our reliance on security contractors in conflict zones. Since 2007 I've introduced the Stop Outsourcing Security Act to phase out the use of for-profit contractors for mission-critical tasks, including security, intelligence and interrogation in conflict areas. The SOS Act builds on legislation I have introduced since 2001, including the Andean Region Contractor Accountability Act to prohibit military contracting in Colombia and neighboring nations.

While the problem applies to other private contractors, there is one company that has been synonymous with misconduct—Blackwater. Operating under a culture of recklessness created by its founder, Erik Prince, Blackwater employees have been implicated in a wide range of alleged misconduct since 2004—from shooting and killing civilians to gun-running.

Five former Blackwater executives, including its former president, Gary Jackson, were indicted in 2010 for weapons charges. The company agreed to a \$42 million administrative settlement with the State Department for 288 alleged violations of the Arms Export Control Act and International Traffic in Arms Regulations. At least seven civil suits for alleged abuses by Blackwater personnel in Iraq have been settled, and legal action is still pending against four Blackwater guards accused of massacring 17 civilians in Baghdad's Nisour Square in 2007. Further, the Iraqi Government, our ally, has repeatedly asked that Blackwater be ousted, leading the United States State Department to refuse to renew the company's contract in 2009.

In short, Blackwater, now renamed Xe, has been a center of controversy for years in congressional committees, the press and among members of the military. Yet the company has received over \$1.25 billion in taxpayer money.

Recently, Mr. Prince has launched a video game called “Blackwater,” glorify-

ing the discredited company he started, and now Mr. Prince has adopted yet another heavy-handed tactic—the attempted intimidation of a Member of Congress.

□ 1030

Last month a letter from his attorney was hand delivered to my congressional office. Mr. Speaker, I am submitting the letter for the CONGRESSIONAL RECORD. It accuses me of defamatory statements, characterizes my efforts to urge investigations into Mr. Prince as a violation of congressional power, and describes possible legal action if I persist.

I come to the floor today because I believe it is my responsibility as a Member of Congress to speak out against policies and entities that I believe are damaging to our Nation. I want to make it clear to Mr. Prince that I will not stop working to end our reliance on private security contractors or to investigate any and all allegations of misconduct. I want to make it clear to the military men and women who have shared their concerns that they are endangered by the behavior of hired guns employed by Blackwater-like companies, that I will keep speaking out to protect our mission and our brave troops from risk.

And I want to tell the families of the men and women who have been killed in incidents involving Blackwater and other such companies that I will continue to push for full investigations and, whenever appropriate, criminal charges.

DIGENOVA & TOENSING, LLP,
ATTORNEYS-AT-LAW,
Washington, DC, October 7, 2011.

Delivered by Hand

Hon. JAN SCHAKOWSKY,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSWOMAN SCHAKOWSKY: This firm represents Erik Prince concerning false and defamatory statements you have made against him.

On September 8, 2011, Guy Adams, a Los Angeles-based correspondent, published in the London-based Independent an article discussing “Blackwater” (2011), a video game owned by Mr. Prince. In that article, Mr. Adams attributes to you the following observation: “If Mr. Prince had not emigrated to the United Arab Emirates, which does not have an extradition agreement with the US, he too would now be facing prosecution.”

We demand you cease and desist any further public statements that suggest in any way that Mr. Prince “would be facing prosecution” or has engaged in criminal conduct under any circumstances.

Your caprice in making a false and defamatory statement about criminal culpability is particularly galling in light of your husband's guilty plea to federal fraud and his time in prison. One would think you would be sensitive about falsely accusing others of criminality.

Mr. Prince has answered his country's call to serve both in military uniform and civilian life. Mr. Prince served his country with honor as a commissioned officer in the United States Navy SEALs. He deployed with SEAL Team 8 to Haiti, the Middle East, and the Balkans.

Mr. Prince's support for human rights around the world is well established, from

funding famine relief in Somalia and the Sudan, to contributing to the building of hospitals, schools, orphanages and churches and mosques in the Middle East and Asia. He financed a feature film, *The Stoning of Soraya M.*, about the oppression of women in Iran. Mr. Prince has spent time and resources to improve conditions for many who live under despotic regimes surrounded by war, drought, and famine.

Your statement to Mr. Adams, which imputes commission of a crime, is per se libelous. *Raboya v. Shrybman & Assoc.*, 777 F.Supp. 58, 59 (D.D.C. 1991); *Farnum v. Colbert*, 293 A.2d 279,281 (D.C. 1972).

Your malice cannot be questioned. You have a multi-year history of making derogatory comments about Mr. Prince and his former company, Blackwater. You have abused your Congressional power to request that Mr. Prince be investigated.

In May of this year, you attempted to initiate a Department of State investigation of Mr. Prince in a letter to Secretary of State Clinton. You based your request on your “concern that Mr. Prince is now exporting his services.” Absent from your letter was any mention of other American security consultants who are performing the same business in the Middle East and Asia.

You brag on your official website that you have “focused” on private security contractors who “work for companies like the infamous Blackwater.” In October 2007, you requested then Secretary of State Rice to “terminate[] Blackwater's contract immediately.” In February 2009, you issued a press release alleging Blackwater's actions have put “our troops in harms [sic] way and jeopardized our mission in Iraq.” In September 2010, you purposely evoked a criminal context by mischaracterizing Blackwater as a “repeat offender.”

The facts you assert about Mr. Prince show complete reckless disregard for the truth. For example, Mr. Prince did not immigrate to the UAE. He maintains a residence in the United States. Mr. Prince has never committed nor ever been charged with any crime.

A federal court in July 2011 dismissed Mr. Prince from a civil law suit finding there was no evidence on which to base the claims. Moreover, a jury found there was no liability for United States Training Center, the company formerly known as Blackwater. A quick check would have verified these readily available facts.

Your interview with Mr. Adams is not protected by the Speech or Debate clause. *Hutchinson v. Proxmire*, 443 U.S. 111, 124–125 (1979).

As you are surely aware, since articles quoting you are published in other countries, you are subject to defamation laws in those countries as well as in the United States. If you do not like the “Blackwater” video game, you are free to express your opinion. But you are not permitted under the laws of the United States and numerous countries where your statements are published to make false accusations about Mr. Prince's status under the criminal law.

Sincerely,

VICTORIA TOENSING,
Counsel for Erik Prince.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair, not to others in the second person.

RIGHTS OF WORKERS TO ORGANIZE AND BARGAIN COLLECTIVELY

The SPEAKER pro tempore. The Chair recognizes the gentleman from

North Carolina (Mr. MILLER) for 5 minutes.

Mr. MILLER of North Carolina. Mr. Speaker, around the world, the rights of workers to organize and bargain collectively through a representative of their choosing, with their employer, over wages and benefits and conditions of employment, is recognized as an important human right and as a hallmark of democratic societies. But in the United States those rights have been under assault by some politicians and by some employers who want to turn the clock back three-quarters of a century.

When workers want to join a union here and bargain collectively with their employer, too many employers intentionally delay and delay, abusing the legal system to deny their employees the rights that we scold developing nations for denying their workers.

I rise in support of the proposed National Labor Relations Board rule to streamline and modernize union election procedures, an important and overdue step to restore fairness to our inefficient and outdated system that has allowed too many abuses. The new NLRB rule would speed up union elections, giving employers less opportunity to interfere illegally with organizing drives. The rule also allows smaller groups of workers to form unions.

Under the current NLRB system, employers willing to break the law have many opportunities to delay a union election, stretching out the time period when they can intimidate and coerce workers, all in violation of the law. The effect of this rule is to help workers exercise their free choice to join and be represented by a union without illegal interference.

Streamlining NLRB elections is a long overdue and small step to ensure workers the right to speak with one voice to a representative of their choosing.

But, Mr. Speaker, in the last week we have heard that Brian Hayes, the only Republican member of the NLRB board, NLRB, is threatening to resign specifically to deny the board the quorum to act under the law, to deny the board the quorum to perform the duties that the law places upon them. Republicans in this Congress have now tried to defund the NLRB to take away the NLRB's ability to impose sanctions on employers who violate the law, and now they are trying to shut the board down altogether by abusing the other body's advice and consent powers to block any new appointments to the board and by having a Republican member resign specifically to deny the necessary quorum to act.

Today, we are considering the so-called Workforce Democracy and Fairness Act; and despite that Orwellian name, the bill is designed to do the exact opposite. It is intended to deny workers the right to unionize without delay and litigation, to deny those rights through delay and litigation and

by allowing employers to decide which employees, which workers get to vote on whether there is a union or not to stuff the ballot box, under this bill, to add new workers to the unit that will decide whether to have a union or not.

Under the bill there would be a waiting period, if there is an election dispute, whether it's well grounded or frivolous, a waiting period for preelection hearing, a waiting period for unions to receive the better contact list; and the only goal for that, for those waiting periods, is delay. The arbitrary waiting periods ensure that election will be delayed, and nowhere is there any assurance the election will really be held.

My Republican colleagues blame frivolous lawsuits for many of the ills of our country; but this bill would reward frivolous lawsuits by providing more time for employers to find fault, real or fabricated, with the election process; and by blocking the NLRB's current rule that would allow elections to move ahead before the complaints are resolved, this bill would allow employers to use litigation, frivolous or legitimate, to block elections.

Finally, this bill would allow employers to stuff the ballot box with a radical rewrite of our labor law so that the employer would decide which employees, which workers get to vote. They can add employees who were never engaged in the organizing drive, and they can keep the list of voters of the workers eligible to vote from those supporting a union until just before the election.

American workers deserve the same rights that we urge around the world for workers, the right to form a union, the right to speak with one voice and bargain with their employer so that our workers can win better wages and better benefits and rebuild the American middle class.

UNEMPLOYMENT REMAINS TOO HIGH AND GLOBAL MARKETS SHOWING SIGNS OF INSTABILITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, the economy received an early holiday gift this past week when Black Friday and Cyber Monday shopping figures outperformed expectations. However, we still face significant challenges. Unemployment remains too high and global markets are showing signs of instability, both of which are the lingering effects of the Great Recession. Casting a grim shadow over all of our actions is the fact that some Members of this body still persist in ignoring the public and letting ideology stand in the way of striking a reasonable balance to tame our national debt and grow the economy.

Of note is the recent report released by the nonpartisan Congressional Budget Office, showing that the Recovery Act we passed 2 years ago has been

a significant success in an otherwise gloomy economic picture. According to the CBO, the Recovery Act increased GDP growth by up to 1.9 percent in the third quarter of this year, a quarter in which we had 2 percent growth. That's an extraordinary impact.

Thanks to the Recovery Act, 2.4 million people, according to the CBO, now have a job and the overall unemployment rate is 1.3 percent lower than it otherwise would have been if we'd done nothing, as my friends on the other side of the aisle wanted us to do.

According to CBO's in-depth analysis, the Recovery Act will continue to have a significant impact on the economy. Although it was designed to operate from 2009 to 2011, CBO found it will continue to drive GDP growth next year, adding 1 percent to the economy and will further increase employment by 1 million jobs.

After opposing any stimulus action in the midst of the worst economic contraction in 80 years, the Republicans actually criticize the Recovery Act now for the fact that it didn't do enough. That speaks less to the merits of the Recovery Act, I'd suggest, than it does about the magnitude of the Great Recession. And it is extraordinarychutzpa from the other side to just say "no" and now criticize the Recovery Act for being inadequate.

The Great Recession was, in fact, the Nation's worst economic collapse in 80 years. What began in the subprime housing market quickly spread throughout the financial industry, threatening economic ruin. At its height, more than 700,000 Americans were losing their jobs every single month. Millions more lost their homes through foreclosures. The Great Recession was already one of America's worst before President Obama was ever sworn into office, and during that economic maelstrom our first act in the 111th Congress was to pass the Recovery Act to help, on a party-line vote, I'm sad to say.

□ 1040

Many of my Republican colleagues point to the continued weakness in the economy as an indication of the Recovery Act's failure, rather than acknowledging that it is actually a function of the severity of the recession and failing to acknowledge their own supine, Darwinian response to it. They claim that, as the economic turmoil which began in 2007 raged all around us, Americans would have been better served had Congress simply done nothing and hoped for the best. Now, as the lingering effects of the recession continue to hold back a robust recovery, they continue to defy reasonable bipartisan attempts to put people back to work and get our country moving again.

The Recovery Act cut taxes for 95 percent of all Americans—both families and small businesses. It kept thousands of teachers, police officers, and firefighters on the job. Recovery Act dollars funded highways and transit